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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214191
Party	Plaintiff BBK Pictures, Inc.
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Submission	Motion to Extend
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Attachments	BBK Pictures.TTAB Opp.Ple.Motion to Extend Deadlines.pdf(20344 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BBK Pictures, Inc.,	:	
Opposer	:	OPPOSITION NO. 91214191
	:	
v.	:	Application Serial No. 85884091
	:	
Boston Iced Tea Company, Inc.,	:	
Applicant.	:	

OPPOSER’S MOTION TO EXTEND DEADLINES

BBK Pictures, Inc. (“Opposer”) by and through its counsel, hereby moves for an Order from the Trademark Trial and Appeal Board (the “Board”) granting its Motion to Extend Deadlines for good cause pursuant to Fed. R. Civ. P. 6(b)(1)(A) and C.F.R. § 2.116(a). Opposer avers as follows:

1. On October 17, 2014 the Board issued an Order permitting the parties hereto to conduct discovery depositions outside of the discovery period due to the inaccessibility of the parties for several months.

2. In the October 17, 2014 Order, the Board set the due dates for final briefs as follows: Plaintiff’s Main Brief Due on January 10, 2015; Defendant’s Response Brief Due on February 9, 2015; and Plaintiff’s Reply Brief Due, If Any, on February 24, 2015.

3. On December 10, 2014, by mutual agreement of the parties, Boston Iced Tea Company, Inc. (“Applicant”) was scheduled to take Opposer’s deposition telephonically.

4. On December 11, 2014, by mutual agreement of the parties, Opposer was scheduled to take Applicant’s deposition telephonically.

5. On the morning of December 10, 2014, Opposer notified its undersigned counsel that due to a health emergency that required immediate medical attention the witness that had

been designated to appear for the deposition would be unable to appear. Counsel for Opposer promptly alerted counsel for Applicant that as a result of this health emergency Opposer's scheduled deposition would need to be postponed.

6. The parties agreed that Applicant's deposition would also be rescheduled for such time as witnesses for both parties were available.

7. To date, the parties have not yet conducted discovery depositions.

8. The requested extension is necessary for the parties to fully complete discovery by conducting discovery depositions.

WHEREFORE, BBK Pictures, Inc., respectfully requests that its Motion to Extend Deadlines be granted for good cause pursuant to Fed. R. Civ. P. 6(b)(1)(A) and C.F.R. § 2.116(a) and that the Board reset the remaining dates to permit the parties to conduct discovery depositions and submit their final briefs.

RESPECTFULLY SUBMITTED,
GRIESING LAW, LLC,

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Dated: January 10, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Opposer's Motion to Extend Deadlines has been served this day, January 10, 2015, upon Roger N. Behle, Jr. Esquire, counsel for Applicant Boston Iced Tea Company, Inc., by electronic mail at the following address:

rbehle@foleybezek.com

/Dina Leytes/
Dina Leytes, Esq.
Attorney for Opposer